

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2220

NOTICE OF PUBLIC HEARING

FOR

CONSIDERATION OF POTENTIAL REQUESTS FOR
REPORT(S) OF WASTE DISCHARGE

FOR

TIMBER HARVEST ACTIVITIES ON AND ABOUT:

1. FRESHWATER CREEK, BEAR CREEK,
STITZ CREEK, AND JORDAN CREEK;
2. AND ELK RIVER

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (NCRWQCB) proposes to consider whether to direct its Executive Officer to require submission of Reports of Waste Discharge (ROWD) pursuant to the Water Quality Control Plan for the North Coast Region and Section 13260 of the California Water Code (CWC) relating to timber harvesting activities in five watersheds in Humboldt County. The five watersheds are Freshwater Creek, Bear Creek, Jordan Creek, Stitz Creek, and Elk River.

A public hearing to consider comments and objections to the proposed consideration of requests for ROWDs will be held on **April 18, 2002 at 8:30 a.m.** or as soon thereafter as practicable. The hearing will be held at the Eureka City Council Chambers, 531 K Street, Eureka, CA 95501.

At the hearing, the NCRWQCB will consider whether to direct the Executive Officer to require submission of ROWDs for the five watersheds, based on facts specific to each watershed. For purposes of this hearing, two public hearings will be held, the first to consider four of the watersheds (Freshwater, Bear, Stitz, and Jordan Creeks), followed by a hearing to consider the fifth watershed (Elk River).

The NCRWQCB may consider ROWDs for these watersheds on any of several bases:

1. Watershed-wide
2. Sub-watershed wide
3. Ownership-wide, by watershed
4. Specific to individual timber harvest plans
5. Any combination of the above

As part of its regular course of business, the NCRWQCB staff requests ROWDs from a variety of owners and/or operators of facilities, projects or lands where a discharge could result from activities conducted on the facilities, projects or lands. The purpose of a ROWD is to obtain information regarding the nature of the proposed or existing activity in order to assess the threat to water quality of any potential discharge and the complexity of the discharge to determine whether waste discharge requirements should be **prescribed** pursuant to CWC Section 13263, or conditionally **waived** pursuant to CWC Section 13269. CWC Section 13264 requires, among other things that, upon request for filing of a ROWD, the discharger(s) may not initiate any new

discharge of waste or make material changes in any discharge prior to issuance of waste discharge requirements, a conditional waiver of waste discharge requirements, or 120 days after submittal of a complete ROWD, whichever comes first.

The NCRWQCB Water Quality Control Plan contains an *Action Plan for Logging, Construction, and Associated Activities* (Action Plan). Section B of the Investigative and Coordinating Activities portion of this Action Plan states that: "The Regional Water Board considers that implementation of the discharge prohibitions relating to logging, construction, or associated activities can provide appropriate protection to waters of the region from these sources of waste and, in the great majority of their activities, will waive the need for reports of waste discharge and waste discharge requirements. However, where investigations indicate that the beneficial uses of water may be adversely affected by waste discharges, the staff shall require the submission of Reports of Waste Discharge." The purpose of the April 18, 2002, hearing is to determine whether the NCRWQCB shall to direct the Executive Officer to require submission of ROWDs on some, all, or portions of the five watersheds.

The order and time allocation for presentation of information during these hearings will be as follows:

Hearing 1: Freshwater, Bear, Jordan, and Stitz Creeks

NCRWQCB Staff (30 Minutes, and as necessary to reply to Board Members))
The Pacific Lumber Company and Scotia Pacific Company, LLC (30 Minutes)
Humboldt Watershed Council (20 Minutes)
Environmental Protection Information Center (EPIC) (20 Minutes)
Freshwater Working Group (20 Minutes)
General Public (total time 30 Minutes)

Hearing 2: Elk River

NCRWQCB Staff (20 Minutes, and as necessary to reply to Board Members)
The Pacific Lumber Company and Scotia Pacific Company, LLC (20 Minutes)
North Fork Elk River Residents (20 minutes)
Humboldt Watershed Council (20 Minutes)
Environmental Protection Information Center (EPIC) (20 Minutes)
General Public (Total Time 30 Minutes)

The Board will have available to them as background information all of the testimony and other evidence previously submitted in the Pacific Lumber Company proceedings for hearings first noticed in 2000, and vacated in July of 2001. **All new submittals should be confined to the issue of whether or not the NCRWQCB should direct the Executive Officer to require landowners/operators in the subject watersheds to submit a Report of Waste Discharge.** Interested persons should submit to the NCRWQCB office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other new evidentiary material concerning this issue by 5:00 p.m. of March 27, 2002. This written material will be submitted to the Regional Water Board Members, and made available to all interested persons, along with the full agenda materials. The March 27, 2002 deadline will be strictly enforced, and no new written or oral information will be accepted or considered, but only oral summaries of previously submitted information by the parties listed above, as well as general

public comment. General public comment will be limited to one hour as a total combination for both hearings. Groups of individuals with similar views are encouraged to designate spokespersons, to ensure that all points of view can be heard in this timeframe.

Closed Session: The NCRWQCB may choose to deliberate in closed session directly following the public hearing portion of the meeting, pursuant to Gov't Code Section 11126(c)(3). If the Board does choose to deliberate in closed session, any vote will be taken in open session immediately following the end of the closed session.

A staff report on this matter will be available on April 8, 2002. The staff report, related documents and comments received will be on file and may be inspected or copied at the Regional Water Board office on Mondays from 1:30 to 4:30 p.m., Tuesday through Thursday from 8:30 to 11:30 a.m. and from 1:30 to 4:30 p.m., and Fridays from 8:30 to 11:30 a.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220.

Susan A. Warner
Executive Officer

March 12, 2002